

MINUTE ITEM

40. APPROVAL OF A MAP AND AN AGREEMENT STIPULATING THE ORDINARY LOW WATER MARK ALONG BOTH BANKS OF LAGUNITAS CREEK THROUGH THE PROPERTY OF WALDO AND LOUISE GIACOMINI IN THE VICINITY OF POINT REYES STATION, MARIN COUNTY, CALIFORNIA - W.O. 2836, GEO.-MARIN CO.

After consideration of Calendar Item 34 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO APPROVE A MAP SHOWING THE PROPOSED BOUNDARY LINE BETWEEN STATE SUBMERGED LANDS AND THE PROPERTY OF WALDO AND LOUISE GIACOMINI ALONG LAGUNITAS CREEK, MARIN COUNTY, CALIFORNIA.

FURTHER, THE EXECUTIVE OFFICER IS AUTHORIZED TO ENTER INTO AN AGREEMENT WITH WALDO AND LOUISE GIACOMINI FIXING THE BOUNDARY LINE ALONG BOTH SIDES OF LAGUNITAS CREEK AS DESCRIBED IN THE AGREEMENT, COPY OF WHICH IS ATTACHED AND HEREBY MADE A PART HEREOF, AS THE PERMANENT BOUNDARY LINE BETWEEN CERTAIN STATE SUBMERGED LANDS AND UPLAND PROPERTY IN MARIN COUNTY.

Attachment

Calendar Item 34 (5 pages)

CALENDAR ITEM

34.

APPROVAL OF A MAP AND AN AGREEMENT STIPULATING THE ORDINARY LOW WATER MARK ALONG BOTH BANKS OF LAGUNITAS CREEK THROUGH THE PROPERTY OF WALDO AND LOUISE GIACOMINI IN THE VICINITY OF POINT REYES STATION, MARIN COUNTY, CALIFORNIA - W.O. 2836.

Dredging and levee construction destroyed the natural condition of Lagunitas Creek, a portion of which was excluded from the sale of Swamp and Overflowed Survey No. 34 and Tideland Location Nos. 61 and 62, patented in 1865, 1884 and 1884, respectively. The northern portion of Lagunitas Creek through the Giacomini property was patented within Tideland Location No. 61, but included an area of submerged lands which was and still is below mean low tide. The agreement, as to the location of the proposed boundary line, will fix the boundary at the water's edge at low tide through the unpatented portion of the creek. The present waterway between levees is wider today than the natural bed of Lagunitas Creek, so the present water's edge at low tide would be closer to the old natural mean high tide line and is acceptable to the upland owner as a permanent boundary line. The northern portion of the creek through TLL No. 61 is an area of silty mud at low tide, which would make an actual survey of the mean low water very difficult and inaccurate. It is proposed to agree with the upland owner that the State retain title to a strip of waterway 175 feet in width throughout the northern portion of the Giacomini property.

The office of the Attorney General has previously approved agreements similar in this form, and Staff Counsel has determined this agreement to be legally sufficient.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO APPROVE A MAP SHOWING THE PROPOSED BOUNDARY LINE BETWEEN STATE SUBMERGED LANDS AND THE PROPERTY OF WALDO AND LOUISE GIACOMINI ALONG LAGUNITAS CREEK, MARIN COUNTY, CALIFORNIA.

IT IS FURTHER RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ENTER INTO AN AGREEMENT WITH WALDO AND LOUISE GIACOMINI FIXING THE BOUNDARY LINE ALONG BOTH SIDES OF LAGUNITAS CREEK AS DESCRIBED IN THE AGREEMENT, COPY OF WHICH IS ATTACHED AND HEREBY MADE A PART HEREOF, AS THE PERMANENT BOUNDARY LINE BETWEEN CERTAIN STATE SUBMERGED LANDS AND UPLAND PROPERTY IN MARIN COUNTY.

Attachment
Exhibit "A"

EXHIBIT "A"

AGREEMENT

(AGREEMENT STIPULATING ORDINARY
LOW WATER MARK AND INTERESTS IN REAL PROPERTY)

THIS AGREEMENT, made and entered into this _____ day of _____,
19____, by and between the STATE OF CALIFORNIA, and WALDO AND LOUISE GIACOMINI,

WITNESSETH:

WHEREAS, the State, acting through the State Lands Commission, pursuant to Section 6301 of the Public Resources Code, has exclusive jurisdiction over all ungranted tidelands and submerged lands owned by the State and is authorized exclusively to administer and control such lands; and

WHEREAS, the State, acting through the State Lands Commission is authorized by Section 6357 of the Public Resources Code to establish by agreement the ordinary low water mark of the swamp, overflowed, marsh, tide or submerged lands of the State, whenever it is deemed expedient or necessary; and

WHEREAS, the State by virtue of its sovereignty is the owner of the submerged lands and the unsold tidelands in Lagunitas Creek, Marin County, California; and

WHEREAS, Waldo and Louise Giacomini appear of record as the owners of certain lands hereinafter referred to as "said property", surrounding Lagunitas Creek in the vicinity of Point Reyes Station, Marin County, California; and

WHEREAS, the natural boundary between the upland and the tide and submerged lands has been obliterated as a result of dredging and levee construction; and

WHEREAS, the parties hereto consider it expedient and necessary and in the best interests of the State and the public thereof to fix and describe permanently the ordinary low water mark, and to fix and describe permanently the boundary between the portions of said property owned by Waldo and Louise Giacomini and those portions of said property claimed by the State and forever set at rest any and all questions relating to the location of said boundary line or the State's interest in said property;

NOW, THEREFORE, it is hereby mutually agreed as follows:

1. The true and correct ordinary low water mark along both sides of Lagunitas Creek and the true and correct boundary line between the portions of said property owned by Waldo and Louise Giacomini and those portions claimed by the State is as follows:

7394

EXHIBIT "A" (CONTD.)PARCEL NO. 1

Beginning at a point on the water's edge, at low tide, on the left bank of Lagunitas Creek which bears N. 04° 16' 40" W. 2,208.56 feet from U.S. C. & G.S. Triangulation Station Creek 2, having California Zone 3 Coordinates X = 1,330,674.74, Y = 581,187.59 thence along the water's edge, at low tide, the following bearings and distances:

S. 16° 04' 34" E. 361.12 feet, S. 26° 20' 42" E. 349.28 feet,
 S. 37° 52' 56" E. 1,392.42 feet, S. 53° 12' 35" E. 143.60 feet,
 S. 64° 58' 59" E. 248.29 feet, S. 33° 58' 36" E. 277.35 feet,
 S. 0° 39' 58" W. 430.03 feet, S. 10° 23' 20" E. 305.00 feet,
 S. 04° 08' 40" E. 345.90 feet, S. 01° 47' 49" E. 255.13 feet,
 S. 09° 14' 37" W. 516.71 feet, S. 02° 23' 09" W. 240.21 feet,
 S. 03° 46' 25" E. 471.02 feet, S. 25° 31' 15" W. 171.76 feet,
 S. 21° 06' 17" E. 244.39 feet, S. 08° 09' 09" E. 719.27 feet,
 S. 32° 18' 12" E. 183.38 feet, S. 64° 39' 14" E. 210.24 feet,
 N. 86° 11' 10" E. 150.33 feet, N. 83° 56' 45" E. 663.70 feet,
 S. 82° 39' 25" E. 391.21 feet, N. 86° 43' 37" E. 613.00 feet,
 N. 81° 20' 51" E. 232.65 feet, N. 56° 56' 17" E. 632.40 feet
 more or less to a point on the water's edge at low tide where
 the right bank of Olema Creek intersects the left bank of Lagunitas
 Creek, N. 33° 41' 24" W. 108.17 feet to a point on the water's
 edge at low tide on the right bank of Lagunitas Creek, thence
 along the water's edge at low tide S. 55° 32' 53" W. 521.46
 feet, S. 74° 55' 53" W. 269.26 feet, S. 82° 38' 40" W. 585.82 feet,
 N. 83° 10' 02" W. 462.28 feet, S. 87° 59' 01" W. 284.18 feet,
 S. 81° 00' 32" W. 319.93 feet, N. 88° 12' 36" W. 160.07 feet,
 N. 64° 39' 14" W. 105.12 feet, N. 50° 31' 39" W. 110.11 feet,
 N. 27° 05' 01" W. 98.84 feet, N. 03° 46' 13" W. 608.32 feet,
 N. 00° 39' 04" W. 440.03 feet, N. 03° 11' 16" W. 395.61 feet,
 N. 01° 31' 39" E. 450.16 feet, N. 04° 40' 19" E. 466.55 feet,
 N. 04° 14' 24" W. 581.73 feet, N. 11° 13' 36" W. 178.47 feet,
 N. 02° 24' 40" E. 475.42 feet, N. 26° 59' 45" W. 297.41 feet,
 N. 73° 18' 03" W. 104.40 feet, N. 45° 56' 21" W. 647.09 feet,
 N. 32° 08' 05" W. 1175.01 feet, N. 22° 42' 10" W. 531.15 feet,
 and S. 78° 26' 24" W. 224.56 feet to the point of beginning.

EXHIBIT "A" (CONTD.)PARCEL NO. 2

A parcel of tide and submerged land in Lagunitas Creek lying 87.5 feet on each side of the following-described center line:

Beginning at a point on the center line of Lagunitas Creek which falls on the last course of Parcel No. 1 and which bears N. 78° 26' 24" E. 115.73 feet from Station 1 of Parcel No. 1 and N. 01° 19' 19" E. 2,226.19 feet from U.S.C. & G.S. Triangulation Station Creek 2, thence along the following bearings and distances:

N. 11° 23' 02" W. 321.13 feet, N. 19° 49' 02" W. 235.97 feet,
 N. 06° 13' 13" W. 276.63 feet, N. 02° 36' 09" W. 220.23 feet,
 N. 17° 54' 16" W. 341.54 feet, N. 23° 05' 49" W. 369.63 feet,
 N. 27° 34' 55" W. 302.36 feet, N. 34° 02' 45" W. 267.93 feet,
 N. 38° 55' 29" W. 334.22 feet, N. 45° 00' 00" W. 226.27 feet,
 N. 37° 18' 14" W. 264.01 feet, N. 34° 29' 02" W. 600.52 feet,
 and N. 42° 35' 22" W. 2,051.01 feet to a point on the north-
 westerly line of Tideland Location No. 145, being also the
 northwesterly property line of Waldo and Louise Giacomini.

BOUNDARY LINE NO. 3

Beginning at a point on the right bank of Lagunitas Creek which bears S. 57° 50' E. 197.20 feet and S. 01° 02' W. 504.60 feet from an angle point on the southwesterly line of "B" Street as described by deed recorded January 25, 1952 from The Grandi Company to Waldo and Louise Giacomini recorded in Book 727 Page 61 of Official Records of Marin County thence along the following courses and distances:

N. 84° 47' 20" W. 226.42 feet, N. 70° 00' W. 126.00 feet,
 N. 61° 58' W. 255.73 feet and N. 80° 39' W. 80.54 feet
 to a point on the water's edge at low tide, thence along the
 water's edge at low tide N. 78° 06' 41" W. 97.08 feet, S. 85°
 32' 34" W. 450.36 feet, S. 73° 31' 38" W. 193.96 feet, S. 53°
 50' 31" W. 161.01 feet, S. 47° 17' 26" W. 176.92 feet, S. 48°
 48' 51" W. 53.15 feet to a point on the northeasterly boundary
 of Parcel 1.

EXHIBIT "A" (CONTD.)

2. This agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

STATE OF CALIFORNIA, through
STATE LANDS COMMISSION

By _____
F. J. HORTIG
Executive Officer

WALDO GIACOMINI

By _____

LOUISE GIACOMINI

By _____